

**BOROUGH OF BUENA**  
**REGULAR COUNCIL MEETING MINUTES**  
**AUGUST 11, 2014**  
**MEETING CALLED TO ORDER: 7:00 P.M.**  
**MEETING ADJOURNED: 7:55 P.M.**

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, commencing at 7:00 p.m. at the Borough Hall with Mayor Baruffi presiding. Mayor Baruffi led the flag salute and announced that this meeting was being held in compliance with the Open Public Meetings Act and notices of this meeting have been provided to the Press of Atlantic City, the Daily Journal and the Atlantic County Record as well as having been posted on the bulletin board at Borough Hall.

PRESENT: Councilpersons Marolda, Baker, James, Zappariello, Cugini, and Dr. Paul Trivellini, Administrator, Richard P. Tonetta, Solicitor and Gail Knott, Deputy Clerk

ABSENT: Councilman McAvaddy

MAYOR'S REPORT:

**RESOLUTION 101A      A RESOLUTION APPOINTING ROBERT JAMES TO THE POSITION OF COUNCILMAN OF BUENA BOROUGH TO FILL THE UNEXPIRED TERM OF JOSEPH SANTAGATA UNTIL NOVEMBER 4, 2014. m/Baker s/Zappariello**

**WHEREAS**, On July 14, 2014, Councilman Joseph Santagata tendered his resignation from the position of Councilman of the Borough of Buena effective July 15, 2014, which term commenced January 1, 2012, and was to expire on December 31, 2014; and

**WHEREAS**, Councilman Santagata's resignation was received on July 14, 2014, and at that time and date the Council of the Borough of Buena accepted the tendered resignation; and

**WHEREAS**, as a result of the resignation, a vacancy existed on the Borough Council; and

**WHEREAS**, on August 11, 2014, Borough Council received a list of three names provided by the Buena Republican Club from which Council shall nominate an individual to fill the unexpired term of Councilman Santagata until the next general election to take place on November 4 2014, at which time the seat will be filled by an election until the expiration of the term of the vacancy on December 31, 2014; and

**WHEREAS**, Borough Council opened the nomination for consideration and having received one nomination, to wit, Robert James and thereafter receiving no further nominations, the nominations were duly closed.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Buena that Robert James shall, upon taking the oath of office, immediately fill the vacant seat of Council for the Borough of Buena commencing August 11, 2014, until November 4, 2014, at which time the seat shall be filled by an election in accordance with the laws of the State of New Jersey.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**RESOLUTION 101B-14**

**A RESOLUTION APPOINTING ROSALIE M. BAKER TO THE POSITION OF PRESIDENT OF COUNCIL OF BUENA BOROUGH TO FILL THE UNEXPIRED TERM OF JOSEPH SANTAGATA UNTIL DECEMBER 31, 2014. m/Maroldas/Cugini**

**WHEREAS,** On July 14, 2014, Councilman Joseph Santagata tendered his resignation from the position of Councilman of the Borough of Buena effective July 15, 2014, which term commenced January 1, 2012, and was to expire on December 31, 2014; and

**WHEREAS,** Councilman Santagata's resignation was received on July 14, 2014, and at that time and date the Council of the Borough of Buena accepted the tendered resignation; and

**WHEREAS,** as a result of the resignation, the position of President of Council was also vacated.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that Rosalie M. Baker shall, upon taking the oath of office, immediately fill the vacant seat of Council President for the Borough of Buena commencing August 11, 2014 and expiring December 31, 2014.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**ORDINANCE NO. 622 NEED MOTION TO OPEN PUBLIC HEARING ON:**

**AN ORDINANCE GRANTING RENEWED CONSENT AND PERMISSION TO SOUTH JERSEY GAS COMPANY TO USE THE PUBLIC STREETS TO FURNISH GAS FOR LIGHT, HEAT AND POWER IN THE BOROUGH OF BUENA. m/Baker s/Zappariello**

**WHEREAS,** South Jersey Gas Company, a corporation of the State of New Jersey, provides natural gas service to the Borough of Buena pursuant to the municipal consent first granted to South Jersey Gas Company in that certain Ordinance 25 passed on July 9, 1951; and

**WHEREAS,** South Jersey Gas Company now seeks, pursuant to N.J.S.A. 48:3-15, the consent of the Borough of Buena to renew Section 2 of Ordinance 25 applicable to the use of the streets in the Borough of Buena by adopting the following Ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by [MAYOR AND COUNCIL of the Borough of Buena, County of Atlantic and State of New Jersey as follows:

Section 1. That exclusive consent and permission is hereby renewed and granted to South Jersey Gas Company to lay and construct its pipes and mains and related appurtenances and facilities within the streets, alleys, squares and public places within the Borough of Buena in the manner prescribed by N.J.S.A. 48:9-21, and subject to reasonable regulations imposed by ordinance or resolution with respect to the opening of streets and public places, subject to approval of such consent and permission by the Board of Public Utilities.

Section 2. This consent is granted for the entire geographical area of the Borough of Buena and extend to the boundaries of the Borough of Buena and shall remain in effect for a period of fifty (50) years from the date of final adoption of this Ordinance.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by any Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 4. This Ordinance shall take effect immediately upon posting, publication, final passage in the manner prescribed by law, and acceptance by South Jersey Gas Company.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**DISCUSSION: none**

**NEED MOTION TO CLOSE PUBLIC HEARING:**

**m/Baker s/Zappariello**

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**ORDINANCE NO. 622 ADOPTED:**

**m/Cugini s/Baker**

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**RESOLUTION 102-14 A RESOLUTION OF THE BOROUGH OF BUENA CALLING ON THE STATE TO HONOR THE FIVE YEAR AGREEMENT GIVING ATLANTIC CITY TIME TO TRANSITION INTO A DESTINATION BEFORE CONDUCTING A THOROUGH ANALYSIS OF EXPANDING GAMING ELSEWHERE IN THE NEW JERSEY OR MOVING ANY LEGISLATION THAT WOULD PLACE SUCH A QUESTION ON THE BALLOT. m/Baker s/Cugini**

**Whereas**, Governor Chris Christie and State Senate President Stephen Sweeney forged a bi-partisan, five-year agreement to keep casino gaming exclusively in Atlantic City; and,

**Whereas**, along with exclusivity for at least five years, the agreement included a promise to conduct an evaluation of Atlantic City's progress towards becoming a destination resort and its economic viability before any consideration of expanding gaming in New Jersey would occur; and,

**Whereas**, Dr. Israel Posner, of Richard Stockton College's Levenson Institute of Gaming Hospitality and Tourism, reports North Jersey's population accounts for 41.8% of the total gaming customers from N.J. who gamble in Atlantic City. Thus, a casino in the Meadowlands would put at least 41.8% of our N.J gaming customers at risk. Dr. Posner points out this would place serious hurdles in front of our ability to continue to transition to a true diverse destination resort; and,

**Whereas**, a Casino Association of New Jersey study concluded a Meadowlands casino would siphon off 45% of gaming revenue from Atlantic City and the entire New Jersey casino industry would lose 3,800 jobs, \$190 million in payroll, and divert \$45 million from services our seniors and disabled; and,

**Whereas**, the 2007 Christian Capital Advisors Study clearly stated, "The primary market area for Meadowlands VLTs falls within the primary market area for Atlantic City casinos;" and,

**Whereas**, statistics for the fourth quarter and year end results for 2013 show Atlantic City is moving in the right direction: total revenue increased over 8% , food and beverage revenue increased over 14%, room revenue increased by 13%, third party business sales grew over 25% for the quarter and 17% for the year. Over 27 million people visited Atlantic City. All of these positive indicators occurred while over \$300 million dollars of new private sector investment poured into Atlantic City; and,

**Whereas**, it took Las Vegas 10 years to transition to a point where they are receiving 64% of their revenue from non-gaming sources and 26% from gaming; and,

**Whereas**, though it is making progress, Atlantic City still derives 71% of its revenue from gaming; and,

**Whereas**, the Atlantic City casino industry employees over 31,000 men and women, including 27,000 from Atlantic County and supports numerous small, local businesses; and,

**Whereas**, the loss of these jobs will hurt the hard working middle class men and women of Atlantic County, who are the very people the casino industry was intended to help; and,

**Whereas**, any further decline in casino property values in Atlantic city will increase property taxes throughout Atlantic County; and

**Whereas**, any discussion, speculation, legislation, or ballot question regarding expanding gaming outside of Atlantic City before the end of the five-year agreement and an honest evaluation of the progress of Atlantic City jeopardizes local businesses and employment; private sector investment; visitor confidence, and convention marketing efforts and will harm Atlantic City's transition to a destination resort; and,

**Whereas**, such unwarranted discussion has already lead special interests to call for casinos and convention facilities in the places such as the Meadowlands, Jersey City, and Camden; and,

**Whereas**, the legalization of casino gaming in surrounding states has already oversaturated the gaming market, opening casinos in other locations in New Jersey municipalities will only serve to cannibalize our own gaming market; and,

**Whereas**, the facts tell us casino gaming in North Jersey will negatively impact our regional economy, depress our property values, and place 27,000 jobs at risk, thereby making it harder for local families to afford to live in Atlantic County, and

**Now, therefore, be it resolved**, we call on the State to keep its promise not to permit the expansion of casino gaming outside of Atlantic City and refrain from any executive, legislative, or referendum action before January 31, 2016 and after a thorough analysis of Atlantic City's economic viability has been completed and ask State Senator James Whelan, Assemblyman Chris Brown, and Assemblyman Vincent Mazzeo to jointly sponsor a resolution calling on the same.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**RESOLUTION 104-14 A RESOLUTION SUPPORTING THE RECOMMENDATION OF THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO CREATE A "NO PASSING ZONE" ALONG ROUTE 54 IN THE VICINITY OF M.P. 1.07 (FRIENDSHIP ROAD) s/Cugini s/ Zappariello**

**WHEREAS**, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation of Route 54 in the Borough of Buena; and

**WHEREAS**, NJDOT recommends a revision to the centerline pavement on Route 54 to create a "No Passing Zone" in the vicinity of M.P. 1.07 (Friendship Road) for safety reasons; and

**WHEREAS**, this project will create safer driving conditions in this area of Route 54.

**NOW THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena, County of Atlantic, in the State of New Jersey, that it supports the use of a "No Passing Zone" on Route 54 in the Borough of Buena as recommended by NJDOT.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be forwarded to NJDOT as requested.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**RESOLUTION 105-14 A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES PURSUANT TO A LINE ITEM DELETION FOR SUBDIVISION m/Cugini s/ Zappariello**

**WHEREAS**, Block 201 Lot 34.01 was subdivided into three condominium lots and,

**WHEREAS**, the three separate newly created lots received separate tax bills commencing in 2013 and,

**WHEREAS**, Block 201 Lot 34.01 was to have been deleted from the tax list for 2014,

**NOW THEREFORE BE IT RESOLVED** by Mayor and Council of Buena Borough that the Tax Collector is hereby authorized to cancel 2014 taxes and the 2015 preliminary tax for Block 201 Lot 34.01.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**RESOLUTION 106-14 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE DISPOSAL OF REAL PROPERTY THAT IS NO LONGER NEEDED FOR PUBLIC USE m/Marolda s/Cugini**

**WHEREAS**, the Borough of Buena has accumulated real properties, over time, through various means; and

**WHEREAS**, careful review of Borough owned properties has been conducted; and

**WHEREAS**, a number of properties have been deemed by the Administrator and others to be extraneous to the operation of the Borough of Buena; and

**WHEREAS**, sale of these properties would reduce liability, maintenance labor, and provide revenue to the Borough; and

**WHEREAS**, properties sold would be returned to the property tax rolls; and

**WHEREAS**, substandard properties shall be offered to adjacent property owners at values established by the tax assessor to create all-inclusive lots that are more regular; and

**WHEREAS**, standard lots be created wherever possible to create value, and offered by public bid to the highest bidder with the condition that zone conforming structures be erected within three years of the bid opening or the properties revert back to the Borough without refund; and

**WHEREAS**, substandard properties are as follows: Block 137, Lot 10.06; Block 167, Lot 9; Block 197, Lot 11; and Block 205, Lot 5.02; and

**WHEREAS**, standard properties are, or are contained within existing properties as follows: Block 116, Lot 4 and Block 133, Lot 5.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that the Administrator pursue the sale of the above listed properties in conformance with the law.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**RESOLUTION 107-14 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING PARTICIPATION IN A CLEANUP PROGRAM OF BLACKWATER POND. m/Baker s/Cugini**

**WHEREAS**, the Borough of Buena has been contacted by the Delaware Bayshore Program/American Littoral Society regarding cleanups of the Blackwater Pond and surrounding areas; and

**WHEREAS**, there is a need to maintain the area, removing trash and invasive species; and

**WHEREAS**, the Delaware Bayshore Program/American Littoral Society in conjunction with the NJ Youth Corps will provide the cleanup on August 12 through August 14, 2014 and at future dates with notification; and

**WHEREAS**, the Borough would benefit from the cleanup and cooperation offered by these programs that are offered without cost to the Borough

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that cleanup programs offered by the Delaware Bayshore Program/American Littoral Society are approved.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**RESOLUTION 108-14 RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE CHIEF FINANCIAL OFFICER TO TAKE ALL ACTIONS NECESSARY AND ADVISABLE BY BOND COUNSEL RELATING TO THE MCDC INITIATIVE m/Baker s/Cugini**

**WHEREAS**, the Securities and Exchange Commission ("SEC") implemented its Municipalities Continuing Disclosure Cooperation Initiative (the "MCDC Initiative") on March 10, 2014 to address alleged widespread violations of federal securities laws by municipal and local authority issuers (the "Issuers"), and underwriters of an Issuer's securities, in connection with certain representations about timely continuing disclosures in bond offering documents;

**WHEREAS**, the MCDC Initiative aims to correct past failures to timely post information required by the Municipal Securities Rulemaking Board ("MSRB"), which Issuers agree to post through the execution of a secondary market disclosure undertaking, on the Electronic Municipal Market Access system ("EMMA");

**WHEREAS**, under the MCDC Initiative, the SEC will recommend favorable settlement terms to Issuers if they self-report to the SEC possible violations involving materially inaccurate statements relating to prior compliance with the continuing disclosure obligations specified in Rule 15c2-12 under the Securities Exchange Act of 1934; and

**WHEREAS**, the Borough of Buena, a municipal corporation of the State of New Jersey (the "Borough") desires to determine if its participation in the MCDC Initiative is necessary and advisable; now therefore,

**BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF BUENA as follows:**

Section 1. The Borough hereby authorizes the Chief Financial Officer to engage the services of Phoenix Advisors, LLC to conduct an audit of the Borough's continuing disclosure obligations and filings as related to the MCDC Initiative (the "Disclosure Audit").

Section 2. The Borough hereby authorizes and directs the Chief Financial Officer to participate in the MCDC Initiative if, after reviewing the findings of the Disclosure Audit and consulting with Kraft & Capizzi, LLC, the Borough's Bond Counsel, the Chief Financial Officer determines that it is advisable for the Borough to participate in the MCDC Initiative.

Section 3. This resolution shall take effect immediately.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**RESOLUTION 109-14 EMERGENCY APPROPRIATION m/Baker s/Cugini**

**WHEREAS**, an emergency has arisen with respect to the Legal OE for unexpected legal settlement and Buildings & Grounds OE for repairs of roofs on the Little League field and 2 pavilions; and

**WHEREAS**, no adequate provision was made in the 2014 budget for the aforesaid purpose, and the N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

**WHEREAS**, the total amount of emergency appropriation created including this appropriation to be created by this resolution is \$38,500.00 and three percent of the total operations in the budget for the year 2014 is \$106,540.58.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Borough of Buena in the County of Atlantic (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for:

<u>Legal OE</u>	<u>\$23,500.00</u>
<u>Buildings &amp; Grounds OE</u>	<u>\$15,000.00</u>

2. That said emergency appropriation shall be provided in full in the year 2015 budget.

3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.

**BE IT FURTHER RESOLVED** that two certified copies of this resolution be filed with the Director of government Services.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X



**RESOLUTION 110-14 A RESOLUTION ACCEPTING A CORRECTIVE ACTION PLAN TO ADDRESS RECOMMENDATIONS IN THE 2013 MUNICIPAL AUDIT**

**m/Baker s/ Zappariello**

**WHEREAS**, the 2013 Annual Audit of the Borough of Buena, conducted by Ford, Scott and Associates LLC, contained certain recommendations requiring action; and

**WHEREAS**, these recommendations have been reviewed by the Borough's Chief Financial Officer; and

**WHEREAS**, the Chief Financial Officer, in accordance with the requirements promulgated by the N.J. Division of Local Government Services, has developed a plan to address the recommendations listed by the auditors;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of Buena Borough that the Corrective Action Plan for the 2013 Annual Municipal Audit, hereto attached, is hereby approved and accepted; and

**BE IT FURTHER RESOLVED** that the Chief Financial Officer is hereby directed to transmit a certified copy of this resolution and its attachments to the Division of Local Government Services.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**RESOLUTION 111-14 GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**  
**m/Baker s/Cugini**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, That the Mayor and Council of the *Borough of Buena*, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**RESOLUTION 112-14     A RESOLUTION ACCEPTING THE RESIGNATION OF GARY MARTINELLI FROM THE POSITION OF LAND USE BOARD ALTERNATE III BOARD MEMBER.  
m/Baker s/ Zappariello with regrets**

**WHEREAS**, Gary Martinelli served as an Alternate Land Use Board Member; and

**WHEREAS**, during his tenure, Gary Martinelli performed his duties in an efficient and professional manner; and

**WHEREAS**, Gary Martinelli has decided to resign effective August 5, 2014.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Buena that the resignation of Gary Martinelli be regretfully accepted effective August 5, 2014.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**RESOLUTION 113-14 A RESOLUTION ACCEPTING THE RESIGNATION OF CHRISTINA DUBOIS FROM THE POSITION OF LAND USE BOARD ALTERNATE II BOARD MEMBER.  
M\_\_\_\_\_S\_\_\_\_\_**

WHEREAS, Christina DuBois served as an Alternate Land Use Board Member; and

WHEREAS, during her tenure, Christina DuBois performed her duties in an efficient and professional manner; and

WHEREAS, Christina DuBois has decided to resign effective August 1, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the resignation of Christina DuBois be regretfully accepted effective August 1, 2014.

**m/Baker s/Cugini TO TABLE RESOLUTION NO. 113-14**

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**RESOLUTION 114-14 A RESOLUTION APPOINTING JOSEPH SANTAGATA AS PART-TIME ASSISTANT EMERGENCY MANAGEMENT OFFICER IN THE BOROUGH OF BUENA EFFECTIVE AUGUST 12, 2014. m/Cugini s/Baker**

WHEREAS, there exists a need for a Part-Time Assistant Emergency Management Officer in the Borough of Buena; and

WHEREAS, Joseph Santagata is duly qualified to serve in this position; and

WHEREAS, Joseph Santagata has agreed to serve as the Part-Time Assistant Emergency Management Officer without compensation.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena that Joseph Santagata be and is hereby appointed to the position of Part-Time Emergency Management Officer in the Borough of Buena effective August 12, 2014 without compensation.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**RESOLUTION 115-14 A RESOLUTION OF THE BOROUGH OF BUENA AMENDING RESOLUTION NO. 67-13 TO INCREASE THE AMOUNT OF A GRANT RECEIVED FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS BY \$49,720.00 m/Baker s/Zappariello**

**WHEREAS**, the Borough of Buena applied to the New Jersey Department of Community Affairs for a Grant to purchase and remove the premises located at 530 Forest Grove Road, Block 113, Lot 10.02; and

**WHEREAS**, the Borough Council wishes to amend Resolution 67-13.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that Resolution 67-13 is hereby amended to reflect an increase of \$49,720.00 in the Grant amount.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**RESOLUTION 116-14 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE CLERK TO ADVERTISE FOR PROPOSALS FOR EMS BILLING MANAGEMENT SERVICES. m/Baker s/Cugini**

**WHEREAS**, the Emergency Management Services (EMS) for the Borough is in need of an experienced collection and billing management services to pursue third party collection for EMS for a period of one year.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena as follows:

1. That the Clerk is authorized to advertise for bids for EMS collection and billing management services to be published on the official website and once in the official newspaper of the Borough of Buena on or before August 15, 2014.

2. Proposals for EMS Billing Management Services will be accepted in the Office of the Municipal Clerk, 616 Central Avenue, Minotola, New Jersey.

3. The deadline for submission of proposals will be August 28, 2014, at 2:00 p.m. No proposals shall be received after the time designated

4. Specifications for said position are on file in the Office of the Municipal Clerk, 616 Central Avenue, Minotola, New Jersey, and on the official website for review and copies are available.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**RESOLUTION 117-14 A RESOLUTION OF THE BOROUGH OF BUENA ACCEPTING THE RESIGNATION OF JOHN KLINE AS COORDINATOR OF THE OFFICE OF EMERGENCY MANAGEMENT EFFECTIVE AUGUST 12, 2014. m/Cugini s/Marolda**

**WHEREAS**, the New Jersey Office of Emergency Management requires every municipality of the State of appoint a coordinator from the residents of the municipality who shall be responsible to implement the requirements of the Office of Emergency Management during local, state and federal disaster; and

**WHEREAS,** John Kline was first appointed to serve in the capacity as Deputy Coordinator in 2003 and, thereafter Coordinator and has served the residents of the Borough of Buena in a professional and efficient manner through many natural disasters including blizzards, hurricanes and floods; and

**WHEREAS,** John Kline has relocated outside of the Borough of Buena and, therefore, does not meet the requirements of the Office of Coordinator; and

**WHEREAS,** John Kline has submitted his resignation from the position effective August 12, 2014.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that the Resignation of John Kline as Coordinator of the Office of Emergency Management be accepted with appreciation for the hard work and dedication put forth by John Kline in fulfilling his duties on behalf of the Borough residents.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**RESOLUTION 118-14 A RESOLUTION OF THE BOROUGH OF BUENA APPOINTING DANIEL T. CAREGNATO, JR., AS COORDINATOR OF THE OFFICE OF EMERGENCY MANAGEMENT TO FILL THE UNEXPIRED TERM OF JOHN KLINE EFFECTIVE AUGUST 12, 2014. m/Cugini s/ Zappariello**

**WHEREAS,** as a result of the resignation of John Kline as Coordinator of the Office of Emergency Management, a vacancy exists in said position; and

**WHEREAS,** Appendix A, Chapter 9, Article 6, of the New Jersey Statutes provides for the Mayor to appoint a person to fill a vacancy in this position within ten (10) days with the approval of the Governor; and

**WHEREAS,** Daniel T. Caregnato, Jr., meets the requirements necessary to fill the position and has or shall complete the necessary course of study to continue his qualifications.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Buena ratifies and confirms the appointment of Daniel T. Caregnato, Jr., as Coordinator of the Office of Emergency Management for the Borough of Buena.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**RESOLUTION 119-14     A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE BOROUGH ENGINEER TO ADVERTISE FOR BIDS FOR FLOWER STREET PHASE I & II AND FORSYTHE STREET REPAVING. m/Baker s/Cugini**

**WHEREAS**, the Council of the Borough of Buena has determined there is a need for the reconstruction of Flower Street and Forsythe Street; and

**WHEREAS**, the Borough has received New Jersey Department of Transportation Trust Funding (Roads) for Flower Street Phase I and II and has funding available for Forsythe Street Repaving.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that the Borough Engineer is authorized to advertise for Bids for Flower Street Phase I & II and Forsythe Street repaving.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**PUBLIC SAFETY DIRECTOR'S REPORT: none**

**ADMINISTRATORS'S REPORT:**

1. Computer System-An improved backup system has been installed
2. Ambulances-Our ambulance re-chassis was previously awarded. As this is a process that fits our old boxes to new chassis, some change orders may be required in the future. The good news is that we were offered \$2000 off of the purchase price for 2014 chassis and another \$2000 off if we pay for the chassis when they delivered to the successful bidder. Taking these two options brings the initial cost to re-chassis to approximately \$147,000.
3. Police Vehicles-We sold three aged police vehicles at a recent auction, as well as an old pickup truck. The two bonded SUVs have been ordered. We will purchase the car, which is in the budget, in September/October so that we pay for it following the November tax collection. This will help us retain a better bank balance when our funds are traditionally the lowest.
4. Code Book-The revisions to our policy manual have been completed. Anyone can access our manual now as it appears, in its entirety, on our website. We will budget for annual maintenance updates. Thanks to Maryann Coraluzzo.
5. Land Use-The Master Plan for the Borough was completed in 2006, adopted by the Land Use Board but never formally adopted by Council. It is nearly time to do this again and I am highly recommending that we consider it for one of the next two budgets. Also, following the completion of this, we should recodify our land use and add these to our policy manual (and place them on line). Also, highly recommended would be a reassessment. We have an inordinate number of tax appeals, largely base on unequal assessments (=unhappy taxpayers). This creates an unstable tax base. Finally, as these are one-time purchases these would be appropriate expenditures should we realize a windfall from the sale of unnecessary properties (see number 9, below).

6. USDA-RD Grant Progress-The roof for over the rear entrance, used in large part for MUA customers is complete. This should reduce the amount of rain and snow carried into the building that creates slippery floors. The hydraulic lifting of the concrete sidewalks around Borough Hall to eliminate trip hazards has been completed. The replacement of the existing water heater with a tankless unit and insulation of the hot water pipes has been ordered. This will greatly reduce our gas consumption. Closed circuit television recording for the hallways of the administrative side of the building has also been ordered. We are awaiting input from our fire inspector to develop the specifications for upgrades to our fire detection system. As soon as we receive them, I will distribute them to vendors for quotes.
7. Park-The relocation of the play set from the Spanish Center to near the location of the previous play set has been completed! Bill Nimohay and the roads crew moved this set at a savings to the borough of \$12,500. Thank you guys! After the Borough leaf and branch collection, the play set that we have purchased will be relocated from Millville to the rear of the park, near the new field.
8. Centralized Fueling- The road department is preparing to pour the pads for the centralized fueling of Borough vehicles. We will have a separate tank for the Police Department, other Borough gasoline vehicles, and diesel equipment. The road crew is in the process of installing a new pole light over the area. In the future, we will provide a tank at the EMS station for their use.
9. Acquired properties-The Borough has come into possession of a number of properties. I have completed and forwarded recommendations regarding which properties should be retained for future Borough use; those that should be sold to be attached to neighboring properties (substandard parcels); and those that should be sold for their intended zoned use. Pam Johnston researched these properties. Based on her research, I am making my initial recommendation to dispose of a number of these properties. Revenues from the sale of any of these properties will help defray the costs of legal settlements due next year, will reduce the amount of property maintenance by our road department, and will return property to our tax rolls.
10. Generator-Although not covered by any current funding source, the diesel generator in the utility room of the Borough Hall should be replaced with a natural gas-fired external generator. The old unit is insufficient and was installed when the building was constructed. It can only power emergency lighting and minimal services. Further, we store diesel fuel in a tank within the building, not the best situation. Triad Associates is preparing an application to the USDA for replacement of this unit. If successful, side benefits will be increased building energy efficiency and additional storage for building maintenance and custodial.

**SOLICITOR'S REPORT:**

**RESOLUTION 120-14 A RESOLUTION OF THE BOROUGH OF BUENA ESTABLISHING MINIMUM STANDARDS FOR PROSPECTIVE CONTRACTORS AND SUBCONTRACTORS FOR PUBLIC WORKS PROJECTS.**  
**m/Marolda s/Cugini**

**WHEREAS**, the Council and Mayor of the Borough of Buena recognize the need to ensure that all work on public construction and maintenance contracts be performed by responsible, qualified firms that maintain the capacity expertise, personnel and other necessary qualifications and resources necessary to successfully perform public contracts in a timely, reliable and cost effective manner; and

**WHEREAS**, in order to effectuate the purpose of selecting responsible contractors for significant public works contracts and to protect Buena Borough's investments in such contracts, prospective contractors and subcontractors should be required to meet pre-established, clearly defined minimum standards relating to contractor responsibility including requirements and criteria concerning qualifications, competency, expertise, adequacy of resources, including equipment, financial and personnel, and satisfactory records regarding past project performance, safety, law compliance and business integrity.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena as follows:

1. The Borough of Buena shall require compliance with the provisions of this Resolution by business entities seeking to provide services to the Borough of Buena as specified herein. The requirements of this Resolution are intended to supplement, not replace, existing contractor qualifications and performance standards or criteria currently required by law, public policy or contracting documents.

2. All contractors and subcontractors that perform significant work on any public facility or public works project, including construction, alteration, renovation, repair, services or maintenance work shall meet the requirements of this Resolution. For purposes of this Resolution, the term "significant work" shall be defined as any work or activity covered under the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-56-25 et seq.

3. All firms engaged in contracts covered by this Resolution shall be qualified, responsible contractors or subcontractors that have sufficient capabilities in all respects to successfully perform contracts on which they are engaged, including the necessary experience, equipment, technical skills and qualifications and organizational, financial and personnel resources. Firms bidding on public contracts shall also be required to have a satisfactory past performance record and a satisfactory record of law compliance, integrity and business ethics. Compliance with these standards shall be established by compliance with the requirements set forth in Paragraph 7 of this Resolution.

4. As a condition of performing work on public works contracts in excess of \$2,000.00 but less than \$499,999.00 total cost of project, the general contractor shall provide certification that he or she and each subcontractor working on the project shall have at least one (1) employee who has successfully completed OSHA 10-hour construction safety and health course. As a condition of performing work on public works contracts of \$500,000.00 or more total cost of project, the general contractor shall provide certification that each subcontractor working the project shall have at least one (1) employee who as successfully completed OSHA 30-hour construction safety and health course.

5. As a condition of performing work on public works contracts subject to this Resolution, a general contractor seeking award of a contract shall submit a Contractor Responsibility Certification at the time it submits its bid for contract in the form and substance acceptable and as created by the Buena Borough Administrator and Buena Borough Engineer.

6. The Contractor Responsibility Certification shall be completed on a form provided by the Borough of Buena Purchasing Agent and shall reference the project for which a bid is being submitted by name and contract or project number.

7. In the Contractor Responsibility Certification, general contractor and subcontractors shall certify the following facts regarding their past performance and work history and its current qualifications and performance capabilities:

a. The firm has all valid, effective licenses, registrations or certificates required by federal, state, county or local law, including, but not limited to, licenses, registrations or certificates required to: (1) do business in the designated locale; and (2) perform the contract work it seeks to perform. These shall include, but not be limited to, licenses, registrations or certificates for any type of trade work or specialty work which the firm proposes to self-perform.

b. The firm meets the bonding requirements for the contract, as required by applicable law or contract specifications and any insurance requirements, as required by applicable law or contract specifications, including general liability insurance, workers compensation insurance and unemployment insurance requirements.

c. The firm has not been debarred by any federal, state or local government agency or authority in the past five (5) years.

d. The firm has not defaulted on any project in the past five (5) years.



e. The firm has not had any type of business, contracting or trade license, registration or other certification suspended or revoked in the past five (5) years.

f. The firm has not been cited and determined guilty for a willful violation of federal or state safety laws in the past five (5) years.

g. The firm and/or its owners have not been convicted of any crime relating to the contracting business by a final decision of a court or government agency in the past five (5) years.

h. The firm will pay all craft employees that it employs on the project the current wage rates and benefits as required under applicable Federal or State prevailing wage laws.

8. The Borough of Buena may conduct any additional inquiries to verify that the prospective awardee and its subcontractors have the technical qualifications and performance capabilities necessary to successfully perform the contract and that the firms have a sufficient record of law compliance and business integrity to justify the award of a public contract. In conducting such inquiries, the Borough of Buena may seek relevant information from the firm, its prior clients or customers, its subcontractors or any other relevant source.

9. If any provision of this Resolution shall be held to be invalid or unenforceable by a court of competent jurisdiction, any such holding shall not invalidate any other provisions of this Resolution and all remaining provisions shall remain in full force and effect.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

**ENGINEER'S REPORT:**

**Kimberly Lane Storm Drain Pipe**

The contractor has completed a large portion of the punchlist. We are awaiting a schedule for the corrective work on Forest Grove Road

**FY2013 NJDOT Municipal Aid Project – Reconstruction of Flower Street**

Our office is finalizing the plans and specifications for submission to the NJDOT for review.

**FY2014 NJDOT Municipal Aid Application – Reconstruction of Flower Street**

The Borough received \$180,000.00 in Municipal Aid funding. The Borough will request the NJDOT to combine the FY2013 and FY2014 allocations to allow the project to be constructed as one contract.

**Louis Drive Drainage**

Our office is currently evaluating alternatives to address the drainage issue.

**Resurfacing of Forsythe Street**

This project is proposed to be incorporated into the bid for Flower Street.

**Microsurfacing of Various Streets**

Our office has contacted the State contract vendor for microsurfacing and requested a revised quote to microsurface the following streets:

Johns Avenue - Central Avenue to Willow Street

Willow Street (North) - North Boulevard to Forest Grove Road

Willow Street (South) - South Boulevard to Flower Street

COMMITTEE REPORTS:

RECYCLING: (COUNCILMAN MAROLDA) none

FINANCE: (COUNCILWOMAN BAKER) none

STREETS/ROADS: (COUNCILMAN JAMES) none

RECREATION: (COUNCILMAN ZAPPARIELLO) none

PUBLIC SAFETY/STREET LIGHTS: (COUNCILMAN CUGINI) none

BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN MCAVADDY) none

PUBLIC PORTION OF MEETING:

Brian Fatcher, 102 Kimberly Lane re; flooding issues in the Borough and replacement of street signs on Kimberly Lane.

Bill Nimohay, Road Supervisor, will follow up with replacing street signs on Kimberly Lane.

CLERK'S REPORT: none

CORRESPONDENCE: none

UNFINISHED BUSINESS: none

NEW BUSINESS: none

BILLS PAID AS LISTED: m/Baker s/Marolda

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
BAKER	X			
JAMES	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				X

NEXT MEETING: September 8, 2014

MEETING ADJOURNED: m/Baker s/James RCVU

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GAIL KNOTT, DEPUTY CLERK

